

INSOLVENCY AND BANKRUPTCY BOARD OF INDIA

(Authority specified by the Central Government under section 458 of the Companies Act, 2013)

17th September, 2020

ORDER

IN THE MATTER OF APPLICATION OF [REDACTED] FOR GRANT OF CERTIFICATE OF REGISTRATION AS A REGISTERED VALUER UNDER RULE 6 OF THE COMPANIES (REGISTERED VALUERS AND VALUATION) RULES, 2017.

[REDACTED] (applicant) had submitted an application under section 247 of the Companies Act, 2013 read with rule 6 (1) of the Companies (Registered Valuers and Valuation) Rules, 2017 (Rules) seeking a certificate of registration as a Registered Valuer (RV) in the asset class 'Land and Building' (L&B).

[REDACTED], where the applicant is enrolled as a valuer member, forwarded the application on April 8, 2019, with a recommendation for registration of the applicant as an RV.

2. Rule 4 read with Annexure IV of the Rules require that an individual must possess the following educational qualification and experience in the relevant discipline to be eligible for registration as a valuer in the asset class of L&B:

- a. Graduate in Civil Engineering, Architecture, or Town Planning or equivalent and five years of experience thereafter, or
- b. Post-Graduate in Civil Engineering, Architecture, Town Planning or equivalent, valuation of land and building, or real estate valuation and three years of experience thereafter.

3. While considering the aforesaid application, it was observed that the applicant has mentioned the following educational qualifications in Part 'B' of FORM 'A'-

- a. Bachelor of Engineering (Civil) (Year of Passing 2013); and
- b. Master's in Valuation (Real Estate) (Year of Passing 2017).

4. The Authority further observed that the Bachelor's degree was awarded to the applicant in the year 2014. The applicant also provided an experience certificate dated 23rd March 2019 from [REDACTED] which states that the applicant was employed as a valuation engineer with the LLP from 1st April 2013 till 12th October 2018 for land and building assignments. Thereafter, the applicant was made a partner in the said LLP from October 2018. However, since the degree was awarded to the applicant in the year 2014, a question that arose for consideration was how professional experience can be obtained by the applicant from 2013. Accordingly, the Authority sought a clarification from the applicant through [REDACTED] on this issue. In response, the applicant replaced the experience certificate dated 23rd March 2019 from [REDACTED] which was submitted by him earlier with two different experience certificates as below:

- a. Experience certificate dated 2nd January 2020 stating that the applicant did freelance work on assignment basis for valuation of land and building for [REDACTED] from 1st August 2013 till 31st March 2014, and was in employment under [REDACTED] for valuation of land and building from 1st April 2014 to 31st March 2017,

- b. Experience certificate dated 16th November 2019 stating that the applicant was in employment as valuation engineer with [REDACTED] from 1st April 2017 till 11th October 2018, and then became a partner in [REDACTED] LLP from 12th October 2018 till present.

5. It was observed that the experience certificate dated 23rd March 2019 from [REDACTED] and the experience certificate dated 2nd January 2020 from [REDACTED] are contradictory to each other since the applicant cannot be in employment with two employers simultaneously. Therefore, the Authority sought clarification from the applicant vide e mail dated 19th February 2020 to which the applicant submitted his reply vide e mail dated 2nd March 2020. He made a written submission that although he was employed with [REDACTED] he undertook valuation activities for other clients including [REDACTED] on assignment basis and for this reason he provided the experience certificate with [REDACTED]. However, this submission of the applicant is again contradictory to the experience certificate issued by [REDACTED] dated 23rd March 2019 which clearly provided that the applicant was “employed as a Valuation Engineer”. Thus, the Authority formed a *prima facie* opinion that the registration ought not to be granted to the applicant since he fails to meet the eligibility criteria as prescribed under the Rules. It communicated, vide email dated 1st May 2020, its *prima facie* opinion along with the reasons for the same and provided an opportunity to explain why his application should be accepted. However, the applicant failed to submit response to the *prima facie* opinion.

6. The Authority offered an opportunity to seek personal e-hearing in the matter. The applicant attended the personal e-hearing on 22nd July 2020. During the personal hearing, the applicant re-iterated his previous submissions as already given in the application and communication dated 2nd March 2020.

7. The application, the oral and written submissions made by the applicant and the material available on record have been considered. It is observed that the documents provided by the applicant to prove his professional experience are incongruent. There is no certainty as to which document may be considered as true and authentic. This goes against the following affirmation made by the applicant under section G3 of the application form - “*This application and the information furnished by me along with this application is true and complete. If found false or misleading at any stage, my registration shall be summarily rejected.*” Even the oral and written submission of the applicant is not corroborated by the documents placed on record. Therefore, the facts presented by the applicant, to establish his experience to be in accordance with the Rules, cannot be verified.

8. In view of the foregoing, it is found that the eligibility of the applicant for registration as Valuer, as prescribed under the Rules, is not established. Thus, in exercise of the powers conferred on the Authority under rule 6 (9) (b) of the Companies (Registered Valuers and Valuation) Rules, 2017, the application of [REDACTED] for registration as a RV in asset class of L&B is rejected.

Date: 17th September, 2020
New Delhi

Sd/-
(Dr. Navrang Saini)
Whole Time Member
Insolvency and Bankruptcy Board of India